

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No.
)	10-00131-01-CR-W-FJG
DENNY RAY HARDIN,)	
)	
Defendant.)	

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on August 31, 2011. Defendant Denny Ray Hardin appeared pro se and with stand-by counsel Anita Burns. The United States of America appeared by Assistant United States Attorneys Brian Casey and Patrick Daly.

I. BACKGROUND

On May 5, 2010, an indictment was returned charging defendant with 11 counts of fictitious obligations and 10 counts of mail fraud.

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Mr. Casey announced that he and Mr. Daly will be the trial counsel for the government. The case agent to be seated at counsel table is FBI Agent Tricia DeWet.

Mr. Hardin will represent himself. Anita Burns will be present as stand-by counsel.

III. OUTSTANDING MOTIONS

The following motions remain pending:

- Motion to Dismiss Case (Doc. No. 59), *Report & Recommendation filed 08/02/11 (Doc. No. 139)*
- Motion to Dismiss Case (Doc. No. 62), *Report & Recommendation filed 08/04/11 (Doc. No. 142)*
- Motion for Order (Doc. No. 67), *Report & Recommendation filed 08/02/11 (Doc. No. 139)*
- Motion to Suppress (Doc. No. 76), *Report & Recommendations filed 08/18/11 (Doc. No. 147) and 08/23/11 (Doc. No. 150)*

IV. TRIAL WITNESSES

Mr. Casey announced that the government intends to call thirty witnesses without stipulations or twenty-seven witnesses with stipulations during the trial.

Mr. Hardin refused to participate in the proceeding and objected to the Court's jurisdiction.

V. TRIAL EXHIBITS

Mr. Casey announced that the government will offer approximately four hundred and eighty-seven exhibits in evidence during the trial.

Mr. Hardin refused to participate in the proceeding and objected to the Court's jurisdiction.

VI. DEFENSES

When asked about possible defenses, Mr. Hardin refused to participate in the proceeding and objected to the Court's jurisdiction.

VII. POSSIBLE DISPOSITION

Mr. Hardin refused to participate in the proceeding and objected to the Court's jurisdiction.

VIII. STIPULATIONS

Stipulations are not likely.

IX. TRIAL TIME

The government stated its case would take three to four days to present. Mr. Hardin refused to participate in the proceeding and objected to the Court's jurisdiction.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That each party file and serve a **list of exhibits** he intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by **August 31, 2011**;

That each party file and serve requested jury **voir dire** examination questions by or before noon, Wednesday, **September 7, 2011**;

That each party file and serve, in accordance with the requirements of Local Rule 51.1, requested **jury instructions**¹ by or before noon, Wednesday, **September 7, 2011**. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

¹Counsel in all cases assigned to be tried before Chief Judge Fernando Gaitan, Jr., as reflected in the trial letter which will be prepared by Judge James England, shall meet and prepare a packet of agreed proposed jury instructions to be submitted to Judge Gaitan and e-mailed to marylynn_shawver@mow.uscourts.gov and rhonda_enss@mow.uscourts.gov by Friday, September 9, 2011. To the extent there are disagreements to certain instructions, each attorney shall tab and submit his or her preference on those instructions. The instructions shall be listed in the order they are to be given.

XI. UNUSUAL QUESTIONS OF LAW

There are no unusual questions of law.

XII. TRIAL SETTING

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on September 12, 2011.

/s/ Robert E. Larsen
ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
August 31, 2011

cc: Mr. Kevin Lyon